

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE ENROLLED ACT No. 292

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AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 35-48-4-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.6. (a) A person who knowingly or intentionally:

- (1) manufactures;
- (2) finances the manufacture of;
- (3) advertises;
- (4) distributes; or
- (5) possesses with intent to manufacture, finance the manufacture of, advertise, or distribute;

a substance described in section 4.5 of this chapter commits a Class C felony.

(b) A person who knowingly or intentionally possesses a substance described in section 4.5 of this chapter commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this section.

(c) In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.

(d) This section does not apply to the following:

- (1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional

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practice or research.

(2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.

(3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.

**(e) In addition to any other penalty imposed for conviction of an offense under this section, a court shall order restitution pursuant to IC 35-50-5-3 to cover the costs of an environmental cleanup incurred by a law enforcement agency or other person as a result of the offense.**

**(f) The amount collected under subsection (e) shall be used to reimburse the law enforcement agency that assumed the costs associated with the environmental cleanup described in subsection (e).**

SECTION 2. IC 35-48-4-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:**

- (1) Ephedrine.**
- (2) Pseudoephedrine.**
- (3) Phenylpropanolamine.**
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).**
- (5) Anhydrous ammonia.**
- (6) Organic solvents.**
- (7) Hydrochloric acid.**
- (8) Lithium metal.**
- (9) Sodium metal.**
- (10) Ether.**
- (11) Sulfuric acid.**
- (12) Red phosphorous.**
- (13) Iodine.**
- (14) Sodium hydroxide (lye).**
- (15) Potassium dichromate.**
- (16) Sodium dichromate.**
- (17) Potassium permanganate.**
- (18) Chromium trioxide.**

**(b) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture:**

- (1) Methcathinone, a schedule I controlled substance under**



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**IC 35-48-2-4;**

**(2) Methamphetamine, a schedule II controlled substance under IC 35-48-2-6;**

**(3) Amphetamine, a schedule II controlled substance under IC 35-48-2-6; or**

**(4) Phentermine, a schedule IV controlled substance under IC 35-48-2-10;**

**commits a Class D felony.**

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